

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIAM C. FLOYD JR.,

Petitioner,

vs.

SCOTT FRAKES, Director of the  
Nebraska Department of Correctional  
Services; and BRAD HANSEN, Warden  
Tecumseh State Correctional Institution;

Respondents.

**8:13CV195**

**MEMORANDUM  
AND ORDER**

This matter is before the court on two motions filed by Petitioner William C. Floyd, Jr. (“Floyd”). The court will address each motion in turn.

**I. MOTION TO EXPAND RECORD**

Floyd filed a “Motion to File a Third Expansion of Record.” ([Filing No. 166](#).) Floyd seeks to expand the record to include “exhibits 578–585” attached to his motion. (*Id.* at [CM/ECF pp. 3–87](#).) Upon consideration, the court will grant the motion and will consider the materials attached to Floyd’s motion to the extent the materials are relevant to his habeas claims and specifically referenced in Floyd’s yet-to-be-filed brief. The court also takes this opportunity to advise Floyd that if there are further materials that Floyd wishes the court to consider along with his brief, Floyd must submit such materials **at the time he files his brief** by attaching such materials to his brief or by filing them separately with an index listing each item of evidence being filed. *See* NECivR 7.1(b)(2)(B). Floyd must not file any more separate motions to expand the record as these motions seem to only further delay Floyd’s completion of his brief which the court will address next.

## II. MOTION FOR EXTENSION OF TIME

Floyd has filed his sixth request for an extension of time ([filing no. 167](#)) to file his brief in response to Respondents' Answer ([filing no. 143](#)) and Brief ([filing no. 144](#)). When the court last granted Floyd an extension to complete his brief, the court admonished Floyd that it would be the last extension the court would grant. ([Filing No. 165](#).) Despite this warning, Floyd comes before the court to again ask for an additional 60 days to complete his brief citing the voluminous record, his recent receipt of "Exhibit 585" attached to his motion to expand the record ([filing no. 166 at CM/ECF pp. 33–87](#)), and the same library restrictions he has referred to in his two previous motions for extensions of time. Upon consideration, and given the lack of any objection from Respondents, the court will grant Floyd's request for an extension.

However, the court emphasizes that Floyd **must refrain from filing any other documents besides his brief**. As the court outlined above, this does not prohibit Floyd from submitting further materials he wishes the court to consider, but rather **Floyd must submit any such materials at the time he files his brief and not in separate motions**. Accordingly,

IT IS ORDERED that:

1. Petitioner's "Motion to File a Third Expansion of Record" ([filing no. 166](#)) is granted. The court will consider the materials attached to Petitioner's motion to the extent they are relevant to the claims presented in his habeas petition and specifically referenced in any brief Petitioner files.

2. Petitioner's Motion for Extension of Time ([filing no. 167](#)) is granted. Petitioner shall have until **December 26, 2018**, to file and serve a brief in response to Respondents' Answer and Brief in Support.

3. The clerk's office is directed to set the following pro se case management deadline: **December 26, 2018**: check for Petitioner's brief in response to answer and brief.

Dated this 26th day of October, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge